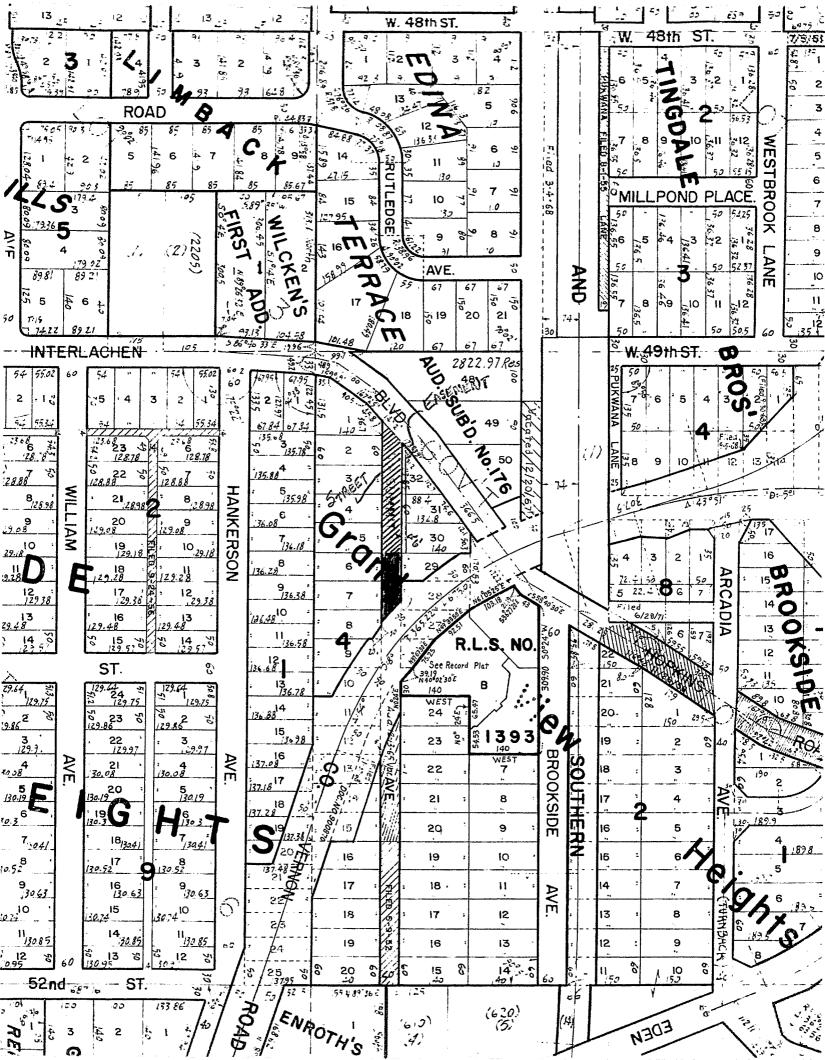
4/16/84 STREET VACATION/CITY PARK & LANDSCAPING EASEMENT VACATION - Summit Avenue



NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF EASEMENT FOR STREET PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on May 7, 1984, adopted a Resolution Vacating Summit Avenue after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easements, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

The time of completion of proceedings and the effective date of said vacation is July 2, 1986.

BY ORDER OF THE EDINA CITY COUNCIL, CITY OF EDINA

PUBLIC HEARING HELD ON DRAINAGE AND UTILITY EASEMENT VACATION FOR LOT 5 AND 6, BLOCK 1, OAK RIDGE; VACATION GRANTED. Affidavits of Notice were presented by Acting Clerk, approved as to form and ordered placed on file. Mr. Hoffman noted that as a result of a lot split, request for drainage and utility easement for Lot 5 and 6, Block 1, Oak nade, is presented. He stated staff recommended approval of the vacation subject to Northwestern Bell's facilities being moved and issuance of new utility easements on the new lot line. No objections being heard, Member Schmidt offered the following resolution and moved its adoption:

RESOLUTION VACATING
DRAINAGE AND UTILITY EASEMENT

WHEREAS, a resolution of the City Council, adopted the 2nd day of April, 1984, fixed a date for a public hearing on a proposed vacation of easement for drainage and utility purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 7th day of May, 1984, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

that said easement vacation be made; and WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described drainage and utility easement be and is hereby vacated:

Lot 5 and Lot 6, Block 1, Oak Ridge of Edina

and that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

Motion for adoption of the resolution was seconded by Member Richards.

Ayes: Bredesen, Richards, Schmidt, Turner, Courtney Resolution adopted.

PUBLIC HEARING HELD ON STREET VACATION FOR PART OF SUMMIT AVENUE; VACATION GRANTED. Mr. Hoffman recalled that the public hearing on street vacation for part of Summit Avenue had been continued from the April 16, 1984 meeting. Mr. Hoffman explained that after further review on the proposed vacation of Summit Avenue, staff recommends the following: 1) vacate portion of Summit Avenue right-of-way and a six foot strip per concept approval of the townhouse zoning, and 2) reserve easements for utility companies who have facilities on the right-of-way. He further explained reasons not to vacate the southerly portion of Summit adjacent to the service station is to preserve control of the area, particularly in light of parking restrictions that may need to be imposed. He stated staff recommends requiring the townhouse owners and association to provide routine maintenance of the southerly portion of Summit Avenue and also indemnify the City against claims, making the vacation become effective on the issuance of a building permit for the second phase of the townhouse project and receipt of the agreement. No objections being heard, Member Turner offered the following resolution and moved its adoption: RESOLUTION VACATING

PART OF SUMMIT AVENUE

WHEREAS, a resolution of the City Council adopted the 19th day of March, 1984, fixed a date for a public hearing on a proposed vacation of easement for road purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 16th day of April, 1984, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and WHEREAS, the Council deems it to be in the best interest of the City and of the public that said street vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto; NOW, THEREFORE, BE IT RESOLVED by the City Council of Edina, Hennepin County, Minnesota, that the following described portion of the street be and is hereby vacated:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota. and that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

Motion for adoption of the resolution was seconded by Member Bredesen. Rollcall:

Ayes: Bredesen, Richards, Schmidt, Turner, Courtney Resolution adopted.

BID AWARDED FOR TREE TRIMMING IMPROVEMENT NO. TT-02. Mr. Rosland presented tabulation of bids for tree trimming of public property trees in the area bounded by Highway 100 on the West, 50th Street on the North, the Eastern City boundary line on the East and the southern City boundary line on the South, showing United Tree Service at \$34,433.70, Midwest Stump at \$37,450.00, and Tri-State Service at \$42,285.00. Member Bredesen moved award of bid to recommended low bidder United Tree Service at \$34,433.70. Motion was seconded by Member Turner. Ayes: Bredesen, Richards, Smith, Turner, Courtney Motion carried.

BID AWARDED FOR AQUATIC WEED IMPROVEMENT NO. AQ-84-3. Mr. Rosland pointed out that the two bids for weed harvesting of Mirror Lake and Mill Pond had been submitted with Minnetonka Seaweed Eaters at \$8,400 and Midwest Aqua Care at \$9,860. Mr. Rosland advised, however, that Minnetonka Seaweed Eaters did not at the present time have their equipment assembled and felt it to be inadequate for the job. Therefore, staff recommended award of bid to Midwest Aqua Care. Member Richards expressed concern as to the difference in cost between the two bids at 20% and advised he was not concerned with the present status of Minnetonka Seaweed Eaters equipment, only that it was ready at the time of the harvesting and could do the job. Mr. Rosland stated they had to be assured the job would be done on time and felt they did not have this reassurance from Minnetonka Seaweed Eaters. Mr. Hughes mentioned in the past there had been problems with certain contractors and felt it important to have the job done correctly and on time. Member Schmidt's motion was seconded by Member Turner for award of bid to staff recommended bidder Midwest Aqua Care at \$9,860.

Ayes: Bredesen, Schmidt, Turner, Courtney Nays: Richards

Motion carried.

HEARING DATE SET FOR WATER STORAGE EASEMENT VACATION. As recommended by staff, Member Bredesen offered the following resolution and moved its adoption:

RESOLUTION CALLING PUBLIC HEARING ON WATER STORAGE EASEMENT VACATION

LOT 2, BLOCK 3, SCHEY'S PARK VIEW THIRD ADDITION

BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, as follows:

It is hereby found and determined that the following described easement for water storage purposes should be considered for vacation, in accordance with the provisions of Minnesota Statutes, Sections 412.851 and 160.29:

That part of Lot 2, Block 3, SCHEY'S PARK VIEW THIRD ADDITION described as follows:

Commencing at the northeast corner of said Lot 2; thence on an assumed bearing of West, along the north line of said Lot 2, a distance of 120.00 feet to the point of beginning of the tract of land to be described; thence on a bearing of South, a distance of 30.00 feet; thence South 40 degrees 06 minutes 03 seconds West, a distance of 60.00 feet along a line which, if extended, would intersect the south line of said Lot 2 at a point therein distant 200.00 feet west of the southeast corner of said Lot 2; thence North 32 degrees 15 minutes 21 seconds West, a distance of 51.91 feet; thence North 45 degrees 00 minutes West, a distance of 9.90 feet; thence North 66 degrees 48 minutes 05 seconds West, a distance of 15.23 feet; thence North 86 degrees 17 minutes 05 seconds West, a distance of 77.16 feet; thence

RESOLUTION VACATING PART OF SUMMIT AVENUE

WHEREAS, a resolution of the City Council adopted the 19th day of March, 1984, fixed a date for a public hearing on a proposed vacation of easement for road purposes; and

WHEREAS, two weeks' published and posted notice of said hearing was given and the hearing was held on the 16th day of April, 1984, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said street vacation be made; and

WHEREAS, the Council has considered the extent to which the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Edina, Hennepin County, Minnesota, that the following described portion of the street be and is hereby vacated:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

and that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with Register of Deeds, in accordance with Minnesota Statutes, Section 412.851.

NOTICE OF COMPLETION OF PROCEEDINGS ON VACATION OF EASEMENT FOR STREET PURPOSES IN THE CITY OF EDINA, HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of Edina, Hennepin County, Minnesota, on May 7, 1984, adopted a Resolution Vacating Summit Avenue after public hearing and notice thereof as required by law and after determining it to be in the best interest of the City and of the public that said easement vacation be made, which resolution ordered the vacation of the following described easements, all as platted and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

The time of completion of proceedings and the effective date of said vacation is July 2, 1986.

BY ORDER OF THE EDINA CITY COUNCIL, CITY OF EDINA

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by	Acceptable Opposed Conditional
CONDITIONS	
MINNEGASCO by	Acceptable Opposed Conditional
CONDITIONS	
NORTHWESTERN BELL by	Acceptable Opposed Conditional
CONDITIONS	
N.S.P. by S.E. Fraser	Acceptable Opposed Conditional
CONDITIONS Subject to a 10' ut	ilily lasement to protect our
	exesting sold line
LOCATION STREET VACATION/CITY PARK &	LANDSCAPING EASEMENT VACATION - SUMMIT AVENUE

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

RETURN TO; CITY CLERK CITY OF EDINA 4801 WEST 50th STREET EDINA, MINN. 55424

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by	Acceptable Opposed Conditional
CONDITIONS	
MINNEGASCO by	Acceptable Opposed Conditional
CONDITIONS	
NORTHWESTERN BELL by Carlo Church	Acceptable Opposed Conditional
CONDITIONS	
N.S.P. by	Acceptable Opposed Conditional
CONDITIONS	
	•
LOCATION STREET VACATION/CITY PARK & I	LANDSCAPING EASEMENT VACATION - SUMMIT AVENUE

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

RETURN TO: CITY CLERK CITY OF EDINA 4801 WEST 50th STREET FDINA MINN 55424

NOTICE OF PUBLIC HEARING ON VACATION OF SUMMIT AVENUE AND CITY PARK AND LANDSCAPING EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on April 16, 1984, at 7 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following street and the following park and landscaping easement:

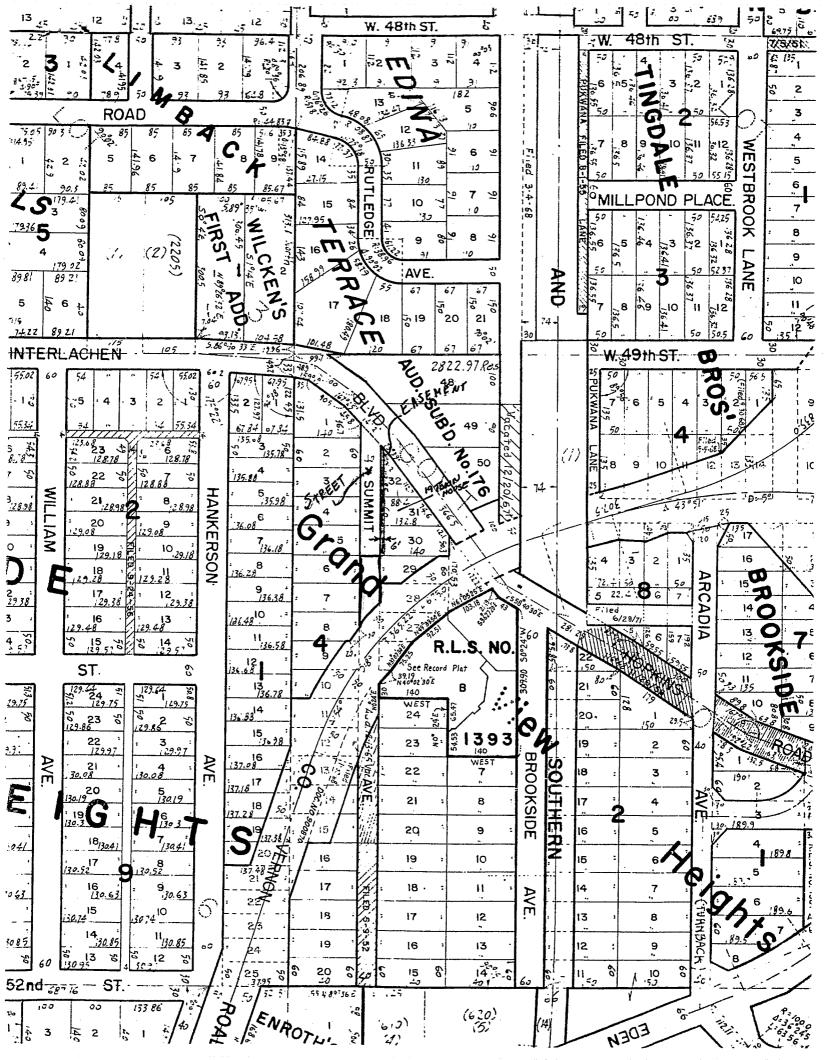
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The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota; described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence southerly along the easterly line of said Block 4 intersecting a line running parallel to the centerline of Vernon Avenue, said line being 50 feet northwest of centerline; thence northeasterly to intersect with the southerly extension of the west line of Block 3, GRAND VIEW HEIGHTS; thence northerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed street and easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed vacation of street and park and landscaping easement affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.



STREET AND/OR EASEMENT VACATION REVIEW

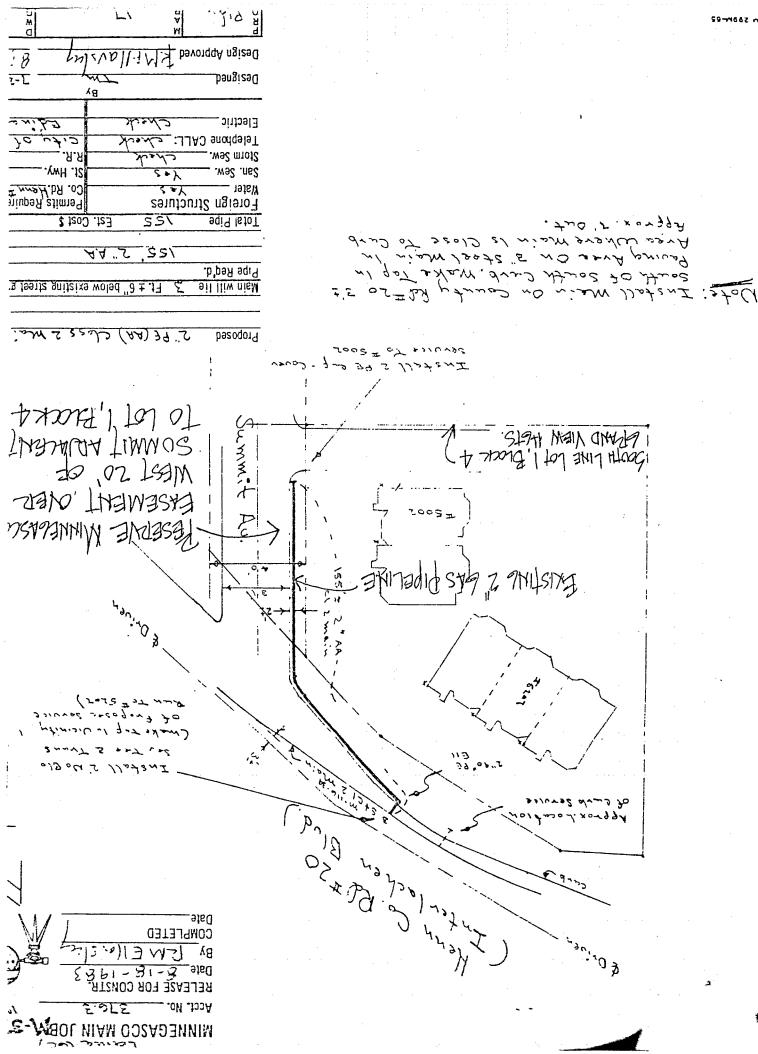
CITY ENGINEER by	Acceptable Opposed Conditional
CONDITIONS	
MINNEGASCO by	Acceptable Opposed Conditional
CONDITIONS	
NORTHWESTERN BELL by	Acceptable Opposed Conditional
CONDITIONS	
N.S.P. by S. E. Frazer	Acceptable Opposed Conditional
CONDITIONS Subject to a 10' W.	tilit easement to protect our
conditions Subject to a 10' with	exesting sold line
LOCATION STREET VACATION/CITY PARK	·

PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE

RETURN TO; CITY CLERK CITY OF EDINA 4801 WEST 50th STREET FDINA, MINN. 55424

STREET AND/OR EASEMENT VACATION REVIEW

TTY ENGINEER by Acceptable Opposed Conditions	al
ONDITIONS	
INNEGASCO by Johnson 4/5/04 Acceptable Opposed Conditions	ìl
ONDITIONS	
ORTHWESTERN BELL by Acceptable Opposed Condition	nal
ONDITIONS	
S.P. by Acceptable Opposed Condition	nal
ONDITIONS RESERVE MINNERASCO EASEMENT OVER WEST 20' OF THAT BADT C	地
SUMMIT AVE, VALATED, LYING ADJALENT TO LOT I, BLOCK 4, GRAND VIE	可開
OCATION STREET ACATION/CITY PARK & LANDSCAPING EASEMENT VACATION - SUMMIT AVEN	
SUMMIT AVE. VALATED, LYING ADJACENT TO LOT I, BLOCK 4, GRAND VIED COATION STREET PACATION/CITY PARK & LANDSCAPING EASEMENT VACATION - SUMMIT AVEN COPY DAY, PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE RETURN TO: CITY CLERK CITY OF FLOWA	
PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE	-
DESCRIPTION TO:	
CITY CLERK	
4801 WEST 50th STREET EDINA, MINN. 55424	



Com Saames

TO: MAYOR AND COUNCIL

FROM: FRANCIS HOFFMAN, CITY ENGINEER

VIA: KENNETH ROSLAND, CITY MANAGER

SUBJECT: SUMMIT AVE. VACATION

After further review on the proposed vacation of Summit Avenue, we would recommend the following:

- A. Vacate portion of Summit Avenue right-of-way and six foot strip per concept approval of townhouse zoning.
- Reserve easements for utility companies who have facilities on the right-of-way.
- NOT vacate southerly portion of Summit adjacent to service station to preserve control of area, particularly in light of parking restrictions that may need to be imposed.
 - D.) Require the townhouse owners and association to provide routine maintenance of the southerly portion of Summit Avenue and indemnify City against claims.

D.2 The vacation will become effective on the issuance of a building permit for the second phase of the townhouse project. *\(\tau \) receipt if the agreement \(\tau \) Additionally, a separate policy issue on the re-sale of the right-of-way

Additionally, a separate policy issue on the re-sale of the right-of-way should be addressed by Council. Currently, we do not sell vacated <u>right-of-way</u> or easements to the gaining parties.

170

FJH:1m 5/4/84

NOTICE OF PUBLIC HEARING ON VACATION OF SUMMIT AVENUE AND CITY PARK AND LANDSCAPING EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on April 16, 1984, at 7 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following street and the following park and landscaping easement:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence southerly along the easterly line of said Block 4 intersecting a line running parallel to the centerline of Vernon Avenue, said line being 50 feet northwest of centerline; thence northeasterly to intersect with the southerly extension of the west line of Block 3, GRAND VIEW HEIGHTS; thence northerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed street and easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed vacation of street and park and landscaping easement affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.



AFFIDAVIT OF PUBLICATION **EDINA SUN**

7401 Bush Lake Road

Edina, Minnesota

State of Minnesota **County of Hennepin**

D. K. MORTENSON, being duly sworn, on oath says he is and during all times here stated has been the vice president and general manager of the newspaper know as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once every week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisement. (4) Said newspaper is circulated in and near the municipalities which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Edina in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter and affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a

He further states on oath that the printed Notice of Public Hearing He further states on oath that the printed NOCICE OI FUBILE HEALING
hereto attached as a part hereof was cut from the columns of said newspaper, and was printed

MARCELLA M. DAEHN
City Clerk and published therein in the English language, once each week, for two successive weeks; that it was first so published on Wed the 28 day of March, 19 84 and was thereafter printed and published on every Wednesday to and including Wed the day of April 1984 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit: abcdefghijklmnopgrstuvwxyz

Subscribed and sworn to before me this_____ 9 day of April 19 84 MERIDEL M. HEDBLOM MOTARY PUBLIC - MINNESOTAL HENNEPIN COUNTY

mmission expires July 2, 1986

THE CITY OF EDINA
HENNEPIN COUNTY.
MINNESOTA
NOTICE IS HEREBY GIVEN that
the City Council of the City of Edina,
Hennepin County, Minnesota, will
meet at the Edina City Hall, 4801 W.
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That part of Summit Avenue as
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Road No. 20); thence southeasterly to the most northerly
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easterly extension of the southerly line of said Lot 5; thence
westerly to the point of beginning.
The west 6,00' of Lots 30, 31 and

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The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

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City Cle (March 28 & April 4, 1984)-ED

TO: MAYOR AND COUNCIL

FROM: FRANCIS HOFFMAN, CITY ENGINEER

VIA: KENNETH ROSLAND, CITY MANAGER

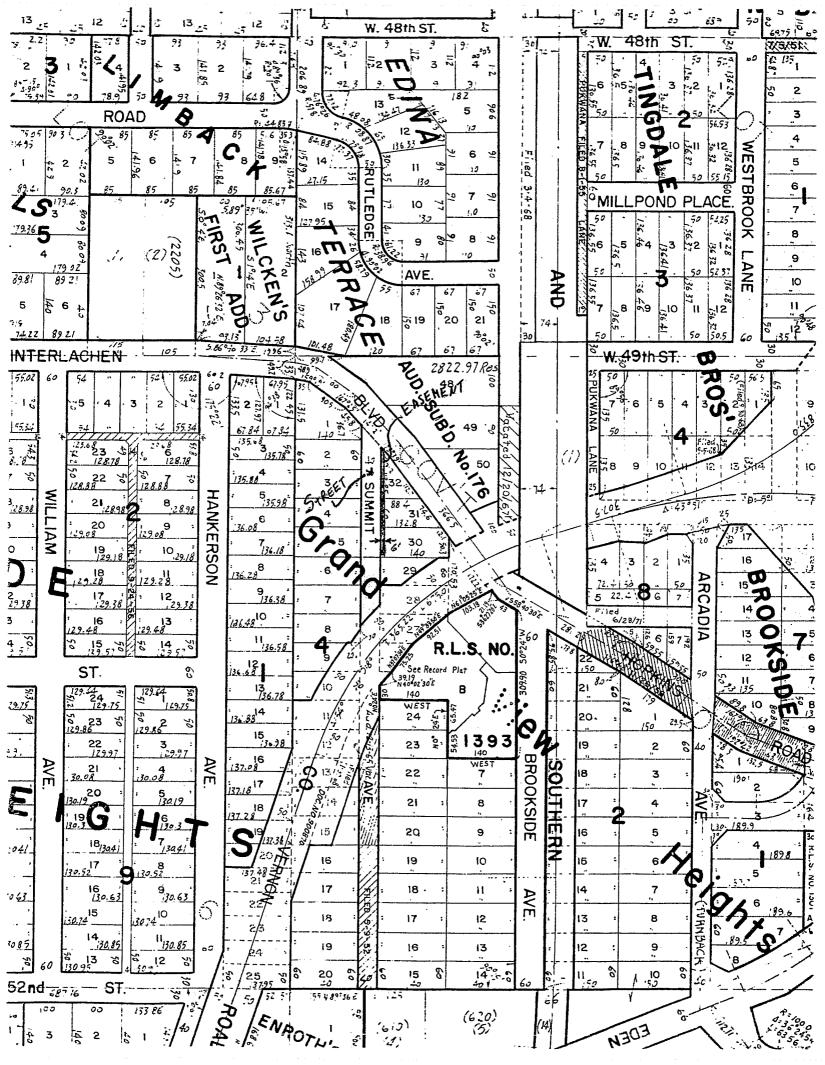
SUBJECT: SUMMIT AVE. VACATION

After further review on the proposed vacation of Summit Avenue, we would recommend the following:

- A. Vacate portion of Summit Avenue right-of-way and six foot strip per concept approval of townhouse zoning.
- B. Reserve easements for utility companies who have facilities on the right-of-way.
- C. NOT vacate southerly portion of Summit adjacent to service station to preserve control of area, particularly in light of parking restrictions that may need to be imposed.
- D. Require the townhouse owners and association to provide routine maintenance of the southerly portion of Summit Avenue and indemnify City against claims.
- D. The vacation will become effective on the issuance of a building permit for the second phase of the townhouse project.

Additionally, a separate policy issue on the re-sale of the right-of-way should be addressed by Council. Currently, we do not sell vacated right-of-way or easements to the gaining parties.

FJH: 1m 5/4/84



MEMO TO FILE - STREET VACATION OF SUMMIT AVENUE

7/2/86 Certified copies of the Resolution and Notice of Completion of Proceedings were given to Thomas S. Erickson (Dorsey & Whitney) for closing today. He will see that the documents are entered into the transfer record of the County Auditor and filed with the Register of Deeds.

M. Daehn



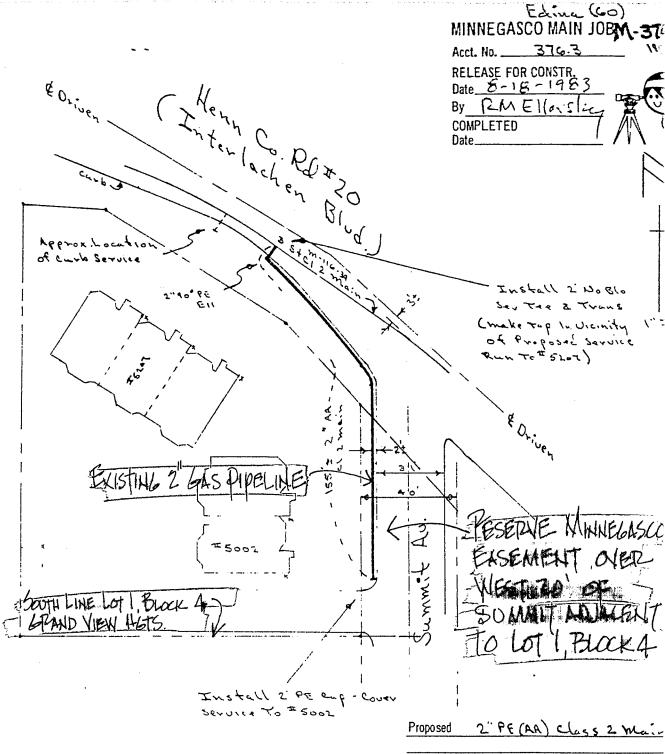
A Company of Diversified Energies, Inc.

William R. Schram Administrator—Real Estate 612-343-7019

700 West Linden Avenue Minneapolis, Minnesota 55403

STREET AND/OR EASEMENT VACATION REVIEW

CITY ENGINEER by Acceptable Opposed O	Conditional
CONDITIONS	
MINNEGASCO by Acceptable Opposed	Conditional
CONDITIONS	
NORTHWESTERN BELL by Acceptable Opposed	Conditional
CONDITIONS	
N.S.P. by Acceptable Opposed	Conditional
CONDITIONS PESSEDVE MINHELASCO EASEMENT OVER WEST 20' OF THAT	T BART OR
SIDMAIT WE VALATED HIM AR WEST TO LATER WILL L	PAND VIEW HG
LOCATION STREET VACATION/CITY PARK & LANDSCAPING EASEMENT VACATION - SUI	MMIT AVENUE
HWHRD SICURASE	,
PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE	-
LOCATION STREET ACATION/CITY PARK & LANDSCAPING EASEMENT VACATION - SUIT COPY OF PLEASE SIGN AND RETURN TO INDICATE RECEIPT OF NOTICE OF PASSENGED AND RETURN TO: CITY CLERK CITY OF FDINA	
CITY CLERK CITY OF EDINA	•
4801 WEST 50th STREET	
EDINA, MINN. 55424	•



Dote: Install Main On County Rd = 20 3't South Of South Curb. Wake Top In Paving Aven On 3" Stool Main In Area Where Main Is Close To Curb Approx. 7' Out.

Main will lie 3 Ft. ± 6" below existing street gra

Total Pipe \55 Est. Cost \$

Foreign Structures | Permits Required Co. Rd. Hann **

San. Sew. Yes St. Hwy. Storm Sew. Charlet R.R.

Telephone CALL: check city of Electric check Edina

Designed Tm 7-25

Design Approved KMF//aVx/4/86

Design Approved MEllavslu

FORM 299M-65



AFFIDAVIT OF PUBLICATION

EDINA SUN

7401 Bush Lake Road

Edina, Minnesota

D. K. Mortenson

State of Minnesota **County of Hennepin**

D. K. MORTENSON, being duly sworn, on oath says he is and during all times here stated has been the vice president and general manager of the newspaper know as The Edina Sun and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a weekly and is distributed at least once every week. (3) Said newspaper has 50% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisement. (4) Said newspaper is circulated in and near the municipalities which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office (5) Said newspaper purports to serve the City of Edina in the County of Hennepin and it has its known office of issue in the City of Edina in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and devoted exclusively during such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper is made available at single or subscription prices to any person, corporation, partnership or other unincorporated association D. K. MORTENSON, being duly sworn, on oath says he is and during all times here stated has been the or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment. (8) Said newspaper has complied with all foregoing conditions for at least one year preceding the day or dates of publication mentioned below. (9) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter and affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed Notice of Public Hearing hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for two successive weeks: that it was first so published on Wed the 28 day of March , 19 84 and was thereafter printed and published on every Wednesday to and including Wed the day of April 1984 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

Subscribed and sworn to before me this 9 day of April

abcdefghijklmnopgrstuvwxyz

MERIDEL M. HEDBLOM NOTARY PUBLIC - MINNESOTA HENNEPIN COUNTY commission expires July 2, 1986

(Official Publication)
CITY OF EDINA
4801 W. 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING
ON VACATION OF SUMMIT
AVENUE AND CITY PARK AND
LANDSCAPING EASEMENT IN
THE CITY OF EDINA
HENNEPIN COUNTY,
MINNESOTA
NOTICE IS HEREBY GIVEN that
the City Council of the City of Edina,
Hennepin County, Minnesota, will
meet at the Edina City Hall, 4801 W.
50th Street on April 16, 1984, at 7
o'clock p.m., for the purpose of holding a public hearing on the proposed
vacation of the Yollowing street and
the following park and landscaping
easement:
That part of Summit Avenue as
dedicated in the plat of GRAND
VIEW HEIGHTS, according to
the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4,
GRAND VIEW HEIGHTS;
thence northerly along the easterly line of said Block 4 to the
southerly right-of-way of Interlachen Boulevard (County
Road No. 20): thence southeasterly to the most northerly
corner of Lot 32, Block 3, GRAND
VIEW HEIGHTS; thence southerly along the west line of said
Block 3 to its intersection with the
easterly extension of the southerly line of said Lot 5; thence
westerly to the point of beginning.
The west 6.00 of Lots 30, 31 and
32, Block 3, GRAND VIEW

westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence southerly along the easterly line of said Block 4 intersecting a line running parallel to the centerline of Vernon Avenue, said line being 50 feet northwest of centerline; thence northeasterly to intersect with the southerly extension of the west line of Block 3, GRAND VIEW HEIGHTS; thence northerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed street and easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall cansider the extent to which such proposed vacation of street and park and landscaping easement affects existing easements within the area of the proposed vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

By Order Of The Edina City Clerk (March 28 & April 4, 1984)-ED

STATE OF MINNESOTA) COUNTY OF HENNEPIN) SS CITY OF EDINA

AFFIDAVIT OF POSTING NOTICE OF HEARING

NOTICE OF PUBLIC HEARING ON VACATION OF SUMMIT AVENUE AND CITY PARK AND LANDSCAPING EASEMENT

The undersigned, being first duly sworn, upon oath deposes and says that he is a duly appointed and acting Police Patrolman for the City of Edina, Hennepin County, Minnesota, and that on he posted the Notice of Hearing on street vacation above described to be held , a true and correct copy of which is hereto attached, at each of the following official City Bulletin Boards located at conspicuous places within the City in a manner likely to attract attention:

> One at Edina City Hall, 4801 W. 50th Street One at 50th and France Business Area - 3922 W. 50th Street One at Amundson Avenue Shopping Center - Northwest corner of Parking Lot

> > MARCELLA M. DAEHN

Subscribed and sworn to before me Apr. 7, 19 84 this 2nd day of

Marulla M. Brehr Notary Public, Hennepin County,

Minnesota

My commission expires processes and the commission expires and the commissi

NOTARY I'LL LIC - MINNESOTA

NOTICE OF PUBLIC HEARING ON VACATION OF SUMMIT AVENUE AND CITY PARK AND LANDSCAPING EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Hennepin County, Minnesota, will meet at the Edina City Hall, 4801 W. 50th Street on April 16, 1984, at 7 o'clock p.m., for the purpose of holding a public hearing on the proposed vacation of the following street and the following park and landscaping easement:

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota; described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence southerly along the easterly line of said Block 4 intersecting a line running parallel to the centerline of Vernon Avenue, said line being 50 feet northwest of centerline; thence northeasterly to intersect with the southerly extension of the west line of Block 3, GRAND VIEW HEIGHTS; thence northerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

All persons who desire to be heard with respect to the question of whether or not the above proposed street and easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed vacation of street and park and landscaping easement affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric or telephone poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of any such easements, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL.

STATE OF MINNESOTA) COUNTY OF HENNEPIN) SS CITY OF EDINA)	CERTIFICATE OF MAILING NOTICE				
I, the undersigned, being the duly qualified acting City Clerk of the City of Edina, Minnesota, hereby certify that on the following date March 30, 1984, acting on behalf of said City I deposited in the United States mail copies of the attached Notice of Public Hearing - Vacation of Summit Av. and City Park & Landscaping Easeme (Exhibit A), enclosed in sealed envelopes, with postage thereon duly prepaid, addressed to the persons at the addresses as shown on the mailing list (Exhibit B) attached to the original hereof, which list is on file in my office, said persons being those appearing on the records of the County Auditor as owners of the property listed opposite their respective names, as of a date days prior to the date of the hearing and that I also sent said notice to the following corporations at the indicated addresses whose property is exempt from taxation and is therefor not carried on the records of said County Auditor.					
<u>Name</u>	Address				
WITNESS my hand and seal o	of said City this 30th day of				

, 19 <u>84</u>

Marulla M Dack Edina City Clerk

NOTICE OF PUBLIC HEARING ON VACATION OF SUMMIT AVENUE AND CITY PARK AND LANDSCAPING EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

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The west 6.00' of Lots 30, 31 and 32, Block 3, GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota.

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BY ORDER OF THE EDINA CITY COUNCIL.

MAILING LIST - STREET VACATION - SUMMIT AVENUE

28-117-21-31-0027	-117-21-31-0027 TMG Investments Frank Gaertner 246 S. Albert Street St. Paul, MN 55105		Vernon	Avenue
. 0028	Emar Development Corp. 5001 W. 80th Street Minneapolis, MN 55437	5000	Summit	Avenue
0029	Emar Development Corp.	5000	Summit	Avenue
0030	Janet Margaret Erickson 5008 Summit Avenue Edina, MN 55436	5008	Summit	Avenue
0031	Hattie Peterson Lind 5016 Summit Avenue Edina, MN 55436	5016	Summit	Avenue
0032	Eleanor M. Jones Judith A. Lundell 5020 Summit Avenue Edina, MN 55436	5020	Summit	Avenue
0033	Union Oil of CA Attn: Property Tax 1650 East Golf Road Schaumburg, IL 60196	5100	Vernon	Avenue

Stuart E. Fraser Normandale Division Northern States Power Co. 5309 W. 70th St. Edina, MN 55435

William Schramm Minnegasco 700 Linden Avenue W. Minneapolis, MN 55403

Don Romain NW Bell Telephone Co. 6244 Cedar Ave. So. Minneapolis, MN 55423 (Ullicial Fuullcation)

CITY OF EDINA 4801 W. 50th Street Edina, Minnesota 55424

NOTICE OF PUBLIC HEARING
ON VACATION OF SUMMIT AVENUE
AND CITY PARK AND LANDSCAPING EASEMENT
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL.

Marcella M. Daehn City Clerk

Please publish in the Edina Sun on March 28 and April 4, 1984. Please send two Affidavits of Publication.

NOTICE OF PUBLIC HEARING ON VACATION OF SUMMIT AVENUE AND CITY PARK AND LANDSCAPING EASEMENT IN THE CITY OF EDINA HENNEPIN COUNTY, MINNESOTA

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BY ORDER OF THE EDINA CITY COUNCIL.

CITY OF EDINA

PUBLIC RIGHT-OF-WAY VACATION APPLICATION

Da	te Initiated March 5,	1984	•	-		
1)	I hereby petition the Cit described public right-of		the City of Ed	lina to vacate	all of the	following
	Street	Alle	У	Utilit	y Easement	
	Drainage Easement	Othe	r			٠.
• '				(describe)	,	
Des	cription of area proposed	to be vacate	d :.			
	See reverse side					· · · · · · · · · · · · · · · · · · ·
					τητ <u>αι</u>	75.00
··········						07./08/6
		•				
Att 2)	ach copy of scaled drawing Review	showing in	Signature Address M	R Properties	5 710 Sourstreet	nam thgate Office
	CITY ENGINEER by		Acceptable	Opposed	Condi	tional
	Conditions			A.	-	·
٠	MINNEGASCO by	T	Acceptable	Opposed	Condi	tional
	N.W. BELL by Conditions	1	Acceptable	Opposed	Condi	tional
•	N.S.P. by		Acceptable	Opposed	Condi	tional
	Conditions_					

PROPOSED DESCRIPTION OF SUMMIT AVENUE (To be vacated)

That part of Summit Avenue as dedicated in the plat of GRAND VIEW HEIGHTS, according to the recorded plat thereof, Hennepin County, Minnesota, described as beginning at the southeast corner of Lot 5, Block 4, GRAND VIEW HEIGHTS; thence northerly along the easterly line of said Block 4 to the southerly right-of-way of Interlachen Boulevard (County Road No. 20); thence southeasterly to the most northerly corner of Lot 32, Block 3, GRAND VIEW HEIGHTS; thence southerly along the west line of said Block 3 to its intersection with the easterly extension of the southerly line of said Lot 5; thence westerly to the point of beginning.

The west 6.00 of cots 30, 3 Hand 32, Block 3, Grand View Neights, according to the recorded plat thereof, Hennepin County, Monnesota

That part of Surant Avenue as declinated in
the plat of Grand View Heights, according to
the recorded plat thereof, Hennepin County, Minnesola,
described as beginning at the southeast cornet
of Lot 5, Block 4, Grandview Heights; thence
Southerly glong the easterly line of Said Block
4 interesting transing paralleto the centerpine of Vernin thrence, said line
being 50 Foet hathurst of centralize; thence not the affect of intersect
with the southerly extension of the west line of Block 3, Grandlewheights
thence now they along the west line of said Block 3 to
lits intersection, with the easterly extension of the southerly
line of said Lot 5, thence westerly to the point of beginning.